

Remarks/Arguments

The Examiner explained that the inventions of Group I and Groups II-VII are distinct because the claimed combination of differential picture brightness compensation does not require the particulars of the claimed subcombination of a medical imaging system. The Examiner further explained that each group has acquired separate status in the art as shown by their different classification and that since the search required for the claims of Group I is not required for the claims of Groups II-VII, restriction is proper.

Applicants respectfully direct the Examiner's attention to MPEP §803, which specifically points out that if the search and examination of the entire application can be made without serious burden, the examiner must (emphasis added) examine it on the merits, even though it includes claims to independent or distinct inventions.

The Examiner has indicated the claims of Groups I-VII fall into only two separate classes (class 348 and class 600). Applicants respectfully point out that, in order to conduct a full and thorough search, it is common practice for examiners to search several classes and multiple subclasses of a particular class.

Class 348 is directed to imaging (television) having subclass 65 (with endoscope), subclass 68 (endoscope with illumination), and subclass 69 (endoscope with illumination controlled by video signal). Class 600 is directed to surgery having subclass 101 (endoscope) and subclass 160 (endoscope having illumination means). All of the claims of Group I (claims 1-3, 16-18, and 20-22) recite language directed to illumination from an endoscope. Since all of the subclasses of both class 348 and 600 include the subject matter directed to illumination and endoscopes, Applicants submit that the Examiner would have to search all of the subclasses of both class 348 and class 600 in order to conduct an accurate and thorough search.

Furthermore, Applicants submit that it would not be a burden to the Examiner to search only three subclasses of one class (348) and only two subclasses of one other class (600).

Therefore, since the Examiner would have to search in all classes and subclasses mentioned above for the subject matter of the claims of Group I, Applicants submit that such a search would not be a burden and that the Examiner must, as required by MPEP §803, examine all of claims on the merits, even though he believes that the claims are directed to independent or distinct inventions.

In view of the above remarks, Applicants respectfully request that the Examiner withdraw the restriction and examine all of the pending claims.

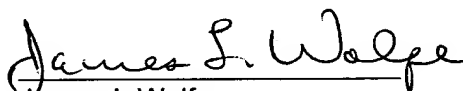
In response to the Examiner's objection to the drawings, Applicants submit formal drawings for the Examiner's approval.

CONCLUSION

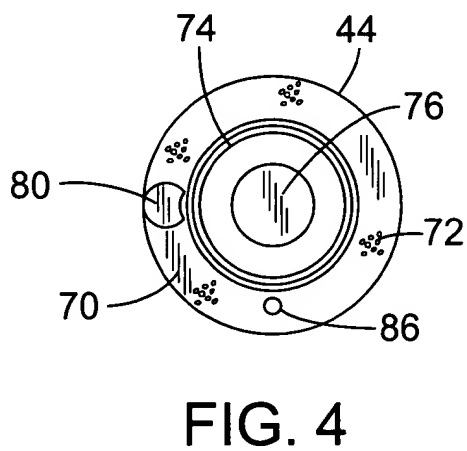
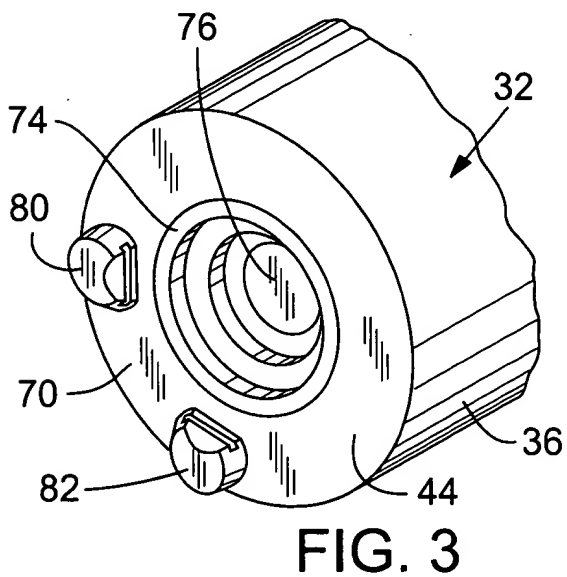
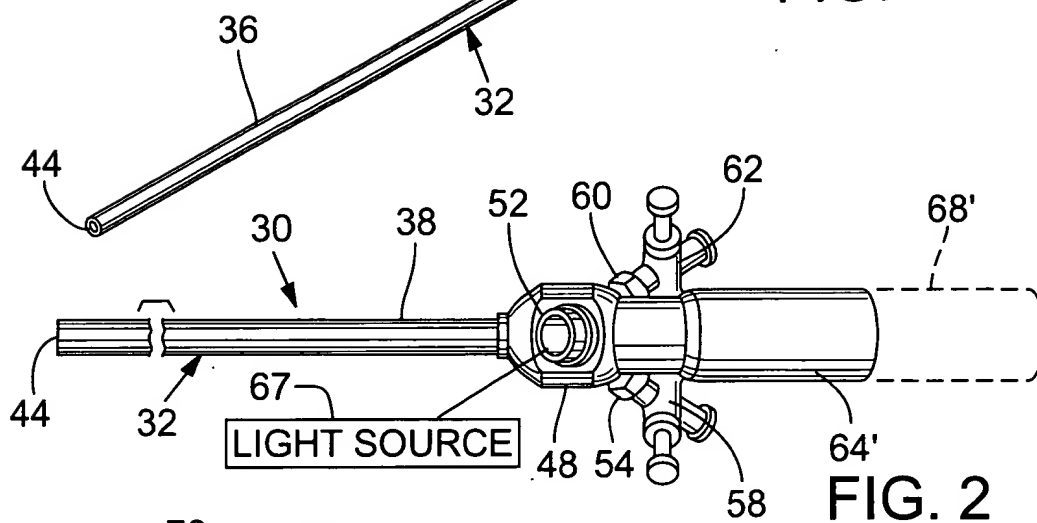
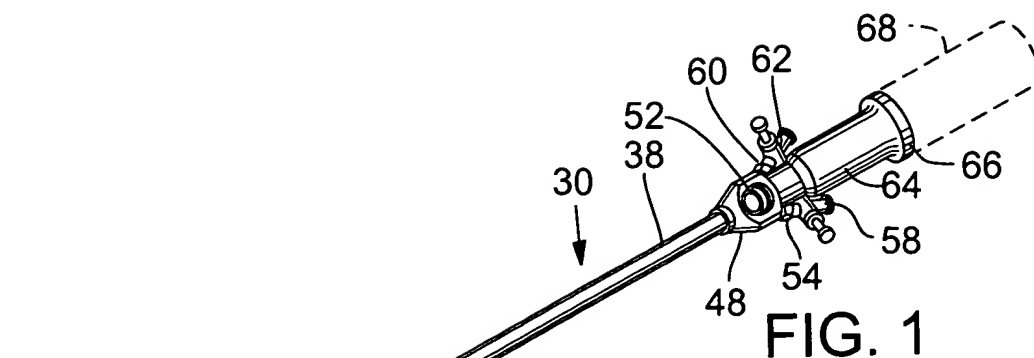
Applicant submits that in view of the foregoing amendments, the application is in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

Date: December 5, 2003



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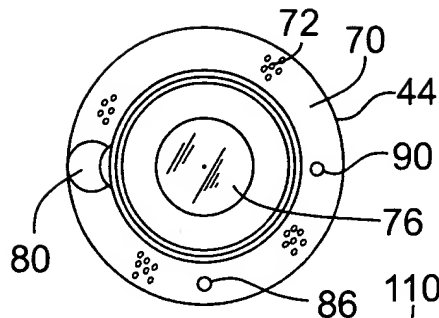
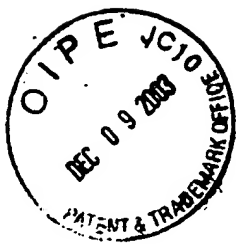


FIG. 5

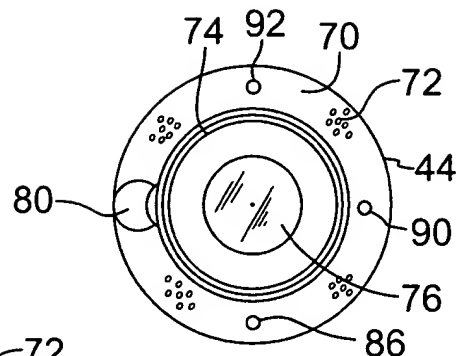


FIG. 6

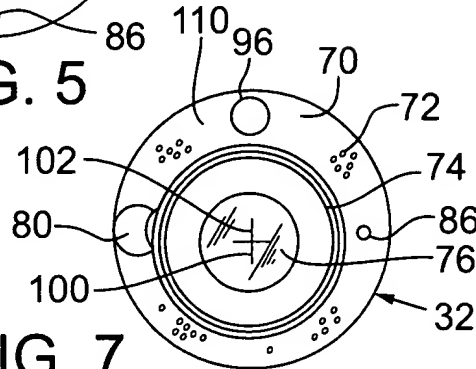


FIG. 7

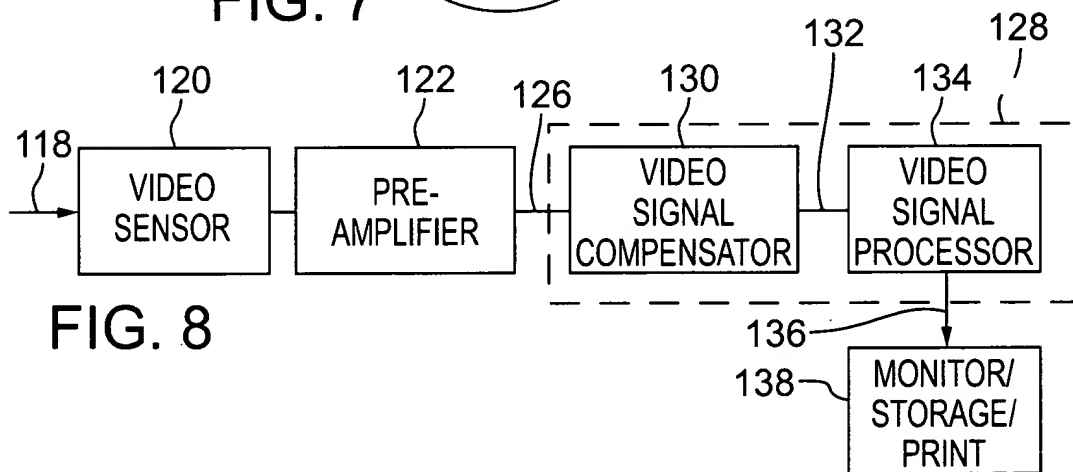


FIG. 8

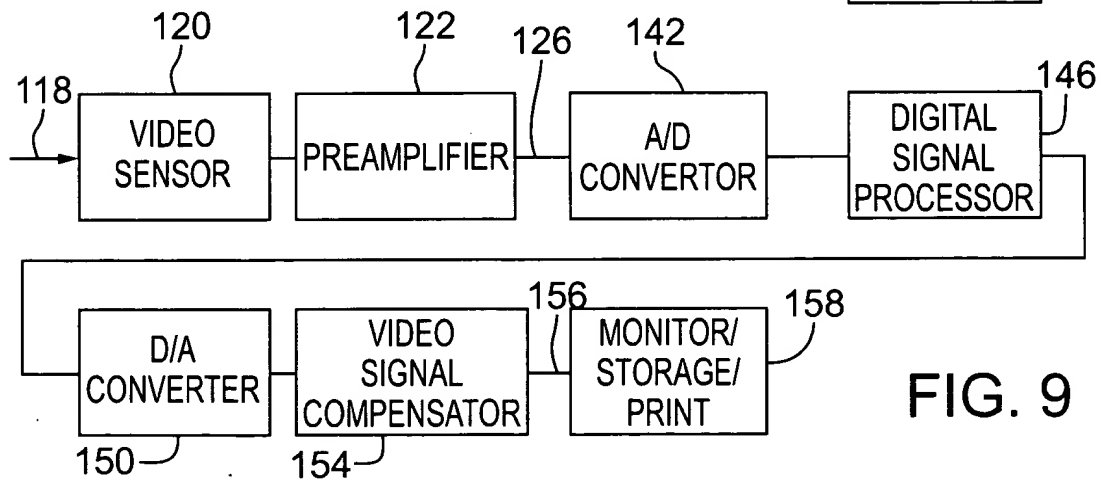


FIG. 9

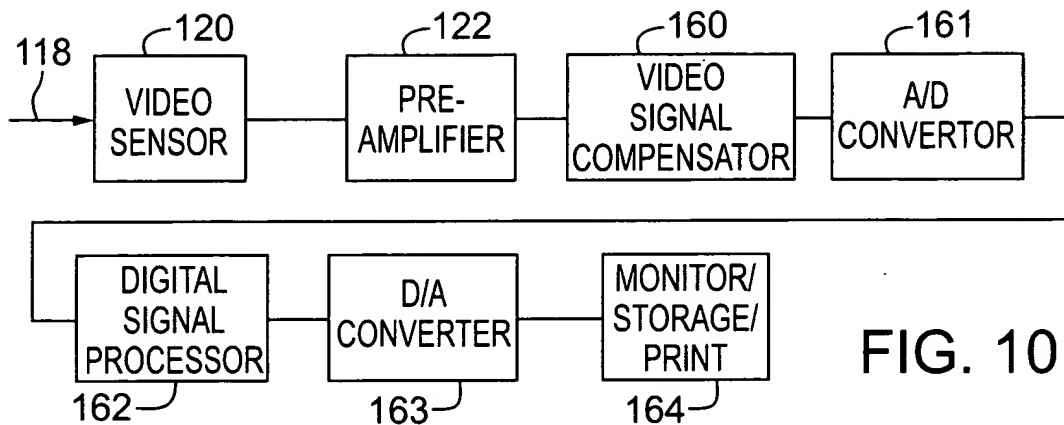
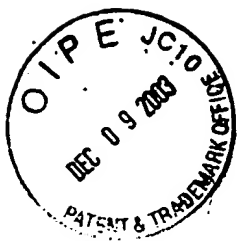


FIG. 10

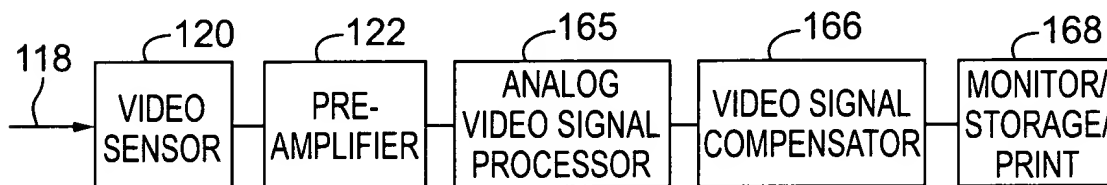


FIG. 11

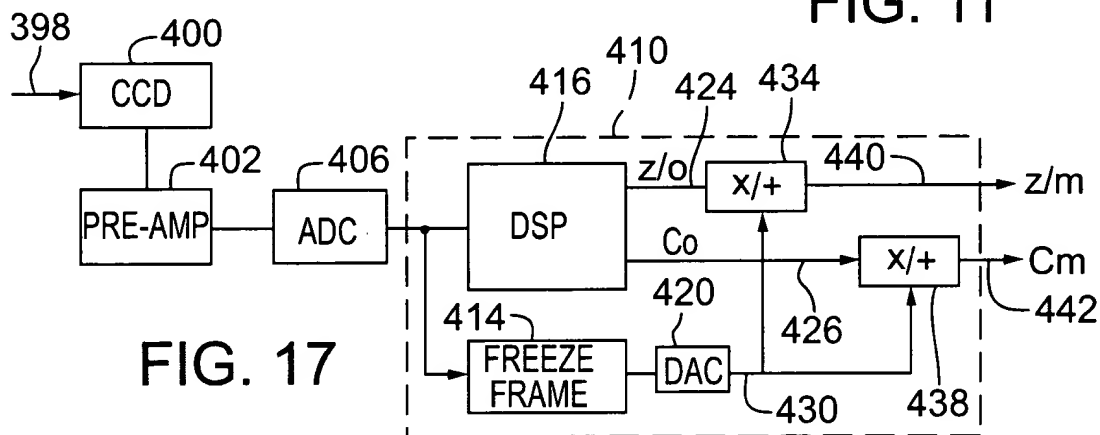


FIG. 17

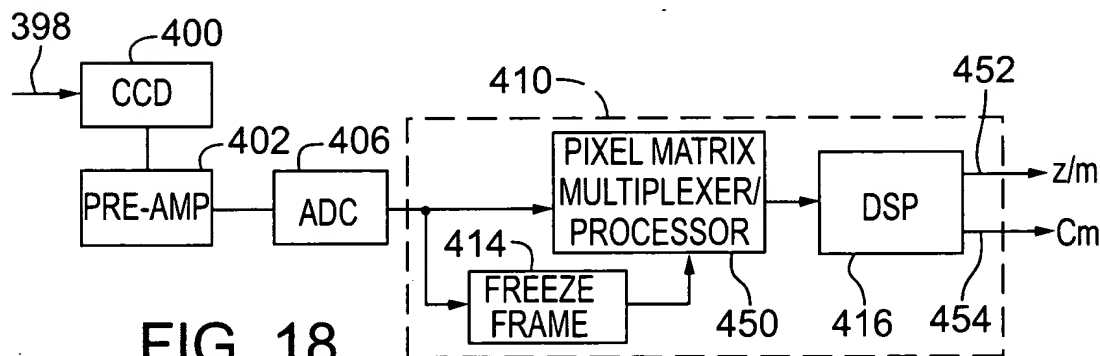


FIG. 18

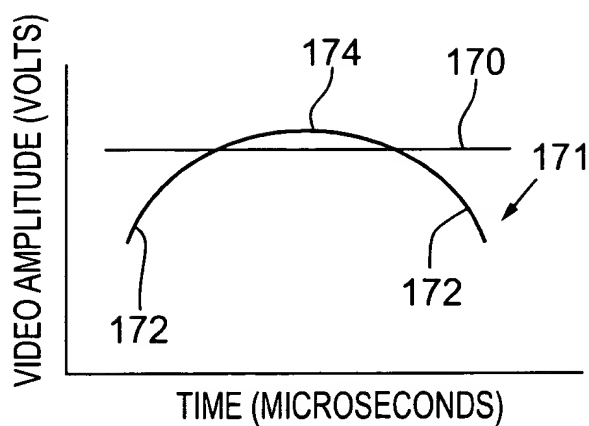
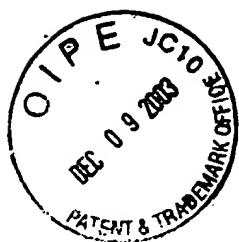


FIG. 12(a)

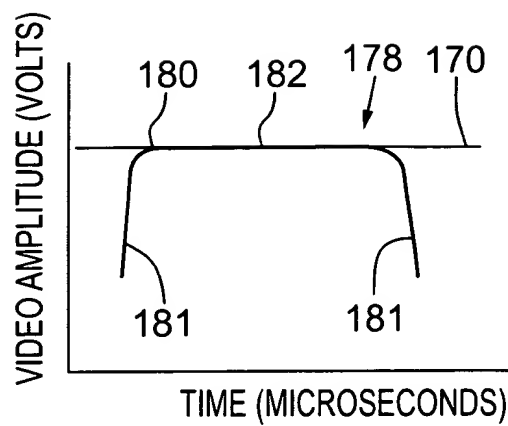


FIG. 12(b)

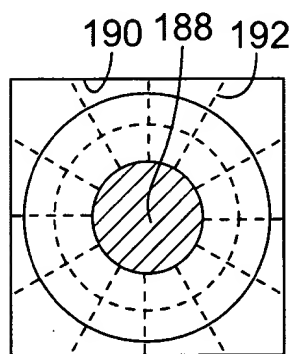


FIG. 13(a)

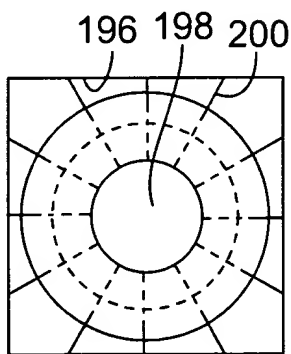


FIG. 13(b)

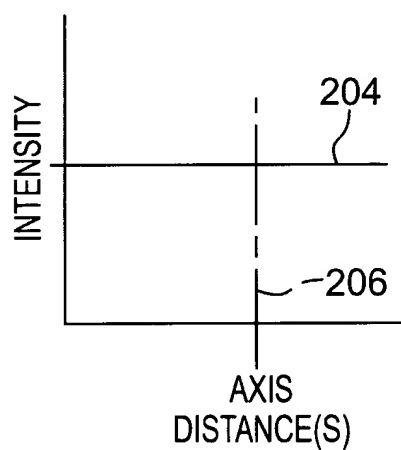


FIG. 14

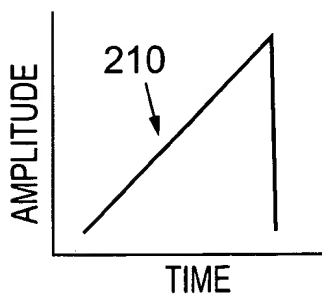


FIG. 15(a)

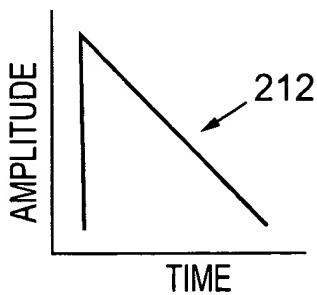


FIG. 15(b)

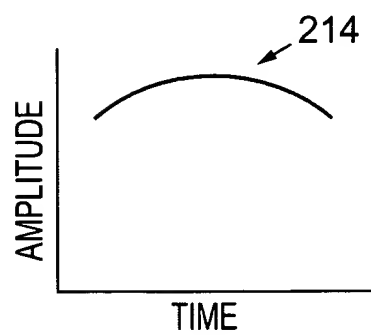


FIG. 15(c)

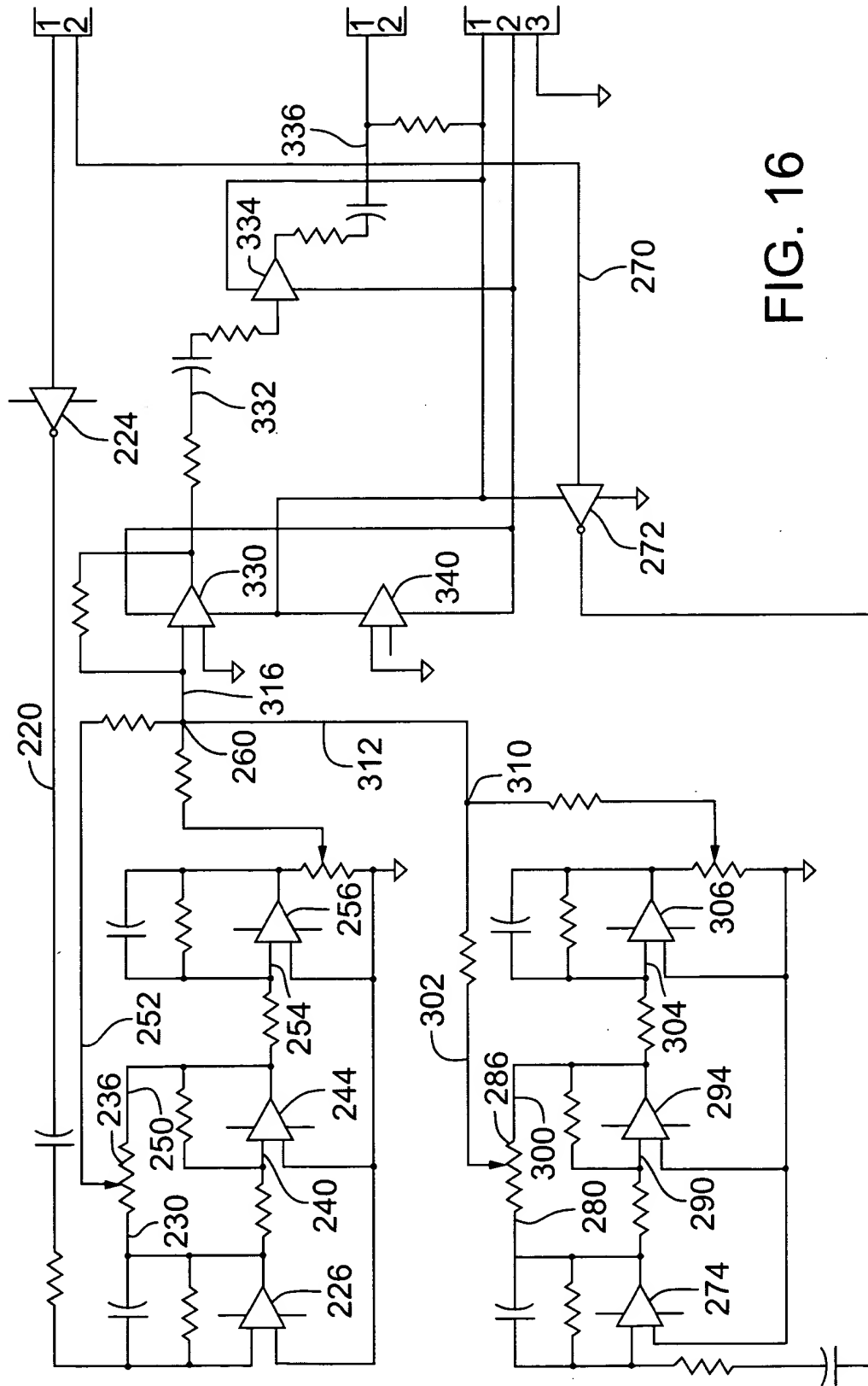


FIG. 16

